

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

TAMEIKA ROBINSON,

Plaintiff,

v.

HHHUNT ASSISTED LIVING, INC. d/b/a  
SPRING ARBOR OF HENDERSONVILLE,

Defendant.

Civil Action No. 1:15-cv-42

**NOTICE OF REMOVAL**

Defendant HHHunt Assisted Living, Inc. d/b/a Spring Arbor of Hendersonville (“Defendant”), by and through the undersigned counsel, pursuant to 28 U.S.C. §§ 1331, 1343, 1441 and 1446, timely files its Notice of Removal of this action from the North Carolina General Court of Justice, Superior Court Division, Henderson County to the United States District Court for the Western District of North Carolina. In support of this removal, Defendant states as follows:

1. On or about February 2, 2015, Plaintiff, Tameika Robison (“Plaintiff”), filed a civil action against the Defendant in the North Carolina General Court of Justice, Superior Court Division, Henderson County, Case No. 15-CVS-158. A true and accurate copy of the Summons and Complaint are attached hereto as Exhibit A.

2. Defendant was served with a copy of the Complaint in this case on February 5, 2015 by certified mail.

3. The Superior Court of Henderson County, North Carolina lies within the jurisdiction of the United States District Court for the Western District of North Carolina.

4. Defendant is filing this Notice of Removal within thirty (30) days of its receipt of the Summons and Complaint.

5. The United States District Court for the Western District of North Carolina has original jurisdiction of this civil action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) on the basis of federal question jurisdiction and civil rights jurisdiction.

6. Plaintiff's Complaint alleges seven counts which purport to arise out of her employment with the Defendant and the termination of that relationship, and relies on Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII"), the Civil Rights Act of 1866, as amended by the Civil Rights Restoration Act of 1992, 42 U.S.C. § 1981 (the "Civil Rights Act"), as well as the public policy of the State of North Carolina alleging racial discrimination, hostile work environment, retaliation, and an equal rights violation. See Exhibit A at ¶¶ 89-134.

7. Title VII and the Civil Rights Act are laws of the United States, and actions thereunder are removable pursuant to 28 U.S.C. § 1441(b) without regard to the citizenship of the parties and without regard to the amount in controversy.

8. Venue exists in the Western District of North Carolina pursuant to 28 U.S.C. § 1441(a) because the North Carolina General Court of Justice, Superior Court Division, Henderson County is located within this judicial district.

9. To the extent that Plaintiff's Complaint is construed as stating a claim under North Carolina state law, such a claim arises out of the termination of her employment and is inextricably intertwined with her federal statutory claims.

10. As required by 28 U.S.C. § 1446(a), Defendant attaches to this Notice of Removal a copy of all processes and pleadings served on the Defendant in this action.

11. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal in the United States District Court for the Western District of North Carolina, Defendant will provide notice of the filing of this Notice of Removal to the North Carolina General Court of Justice, Superior Court Division, Henderson County and to Plaintiff by mailing copies of this Notice of Removal to all adverse parties and the Clerk of Superior Court for Henderson County, North Carolina.

WHEREFORE, Defendant HHHunt Assisted Living, Inc. d/b/a Spring Arbor of Hendersonville respectfully requests that this civil action be removed to the United States District Court for the Western District of North Carolina.

Respectfully submitted this the 2<sup>nd</sup> day of March, 2015.

HHHUNT ASSISTED LIVING, INC. D/B/A  
SPRING ARBOR OF HENDERSONVILLE

By: Spilman Thomas & Battle, PLLC

/s/ Jeffrey D. Patton

JEFFREY D. PATTON

N.C. State Bar No. 21246

110 Oakwood Drive, Suite 500

Winston-Salem, NC 27103

Telephone: (336) 725-4710

Facsimile: (336) 725-4476

[jpatton@spilmanlaw.com](mailto:jpatton@spilmanlaw.com)

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date a copy of the foregoing ***Notice of Removal*** has been duly served on Plaintiff via United States First Class Mail, postage paid, addressed as follows:

Theresa M. Weber  
Prince, Youngblood & Massagee, PLLC  
240 Third Avenue West  
Hendersonville, NC 28739

*Counsel for Plaintiff*

This 2<sup>nd</sup> day of March, 2015

/s/ Jeffrey D. Patton

JEFFREY D. PATTON  
N.C. State Bar No. 21246